

PUBLIC NOTICE

PERMIT APPLICATION: NRS08.238

APPLICANT: Nestlé Waters North America, Inc.
500 Nestlé Hollow Lane
Red Boiling Springs, TN 37150
615-699-8009

LOCATION: Bennett Hill Spring, tributary to Salt Lick Creek in Red Boiling Springs, Macon County; N 36.539152 W 85.849103

WATERSHED DESCRIPTION:

Watershed:	Barren River
Hydrologic Unit Code:	05110002
Stream Name:	Salt Lick Creek
Stream Segment ID:	TN05110002027_2000
Designated Use	Use Support
fish and aquatic life	fully supporting
irrigation	fully supporting
livestock watering and wildlife	fully supporting
recreation	fully supporting
Assessment Date:	12/14/06

PROJECT DESCRIPTION:

The proposed activity involves the re-issuance of Nestlé Waters North America's (NWNA) water withdrawal permit. ARAP NRS03.264, was issued February 2, 2004 and authorized the withdrawal of a maximum of 800 gallons per minute (1.8 cfs) from Bennett Hill Spring, a tributary to Salt Lick Creek. The existing ARAP expires on February 2, 2009, NWNA is applying for reissuance of its ARAP permit so that its plant may continue operation. The renewed permit would authorize water withdrawal only, with no new construction or physical alteration involved.

The former permit, NRS03.264 included a range of withdrawal based upon the flow in Salt Lick Creek, as follows:

- a) During higher stream flow conditions when the flow in Salt Lick Creek exceeds 22 cubic feet per second, permittee may withdraw water from Bennett Hill Spring up to a maximum of 800 gpm or 1.8 cfs.
- b) Whenever the flow in Salt Lick Creek is at or below 22 cfs, permittee shall reduce its diversion of water from Bennett Hill Spring to a maximum of 600 gpm.
- c) Whenever the flow in Salt Lick Creek is at or below 4.5 cfs, permittee shall reduce its diversion of water from Bennett Hill Spring to a maximum of 400 gpm.
- d) Flow in Salt Lick Creek shall not be reduced below 2.5 cfs as a result of the withdrawal.

This proposal (NRS08.238) includes a reduction in the maximum withdrawal rate from 800 gpm to 600 gpm, however, NWN requests to withdraw water from Bennett Hill Spring at 600 gpm whenever the flow in Salt Lick Creek exceeds 2.5 cfs.

NWNA wishes to relinquish the current maximum permit limit of 800 gpm under high-flow circumstances and reduce the allowed maximum at any given time to 600 gpm. At the same time, the interim reduction trigger currently in the permit (at 4.5 cfs, reduce to 400 gpm) would be eliminated. NWNA believes that this latter change would help by reducing the amount of time during which NWNA must incur the expense of purchasing supplemental water from its backup municipal sources.

In accordance with the Tennessee Antidegradation Statement (Rule 1200-4-3-.06), the division has determined that the proposed re-issuance will result in a degradation to water quality.

This notice may be viewed on the department's website at:

<http://www.state.tn.us/environment/wpc/ppo/arap>.

PERMIT COORDINATOR: Robert Baker

No decision has been made whether to issue or deny this permit. The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing.

The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address for review and/or copying.

The department's address is:

Tennessee Department of Environment & Conservation
Division of Water Pollution Control, Natural Resources Section
7th Floor L & C Annex
401 Church Street
Nashville, TN 37243

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

